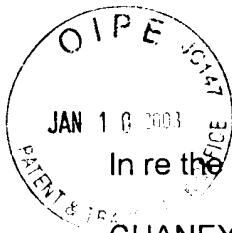


#23
2-15-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

CHANEY et al.

Art Unit: 1638

Application No.: 09/147,721

Examiner: M. Ibrahim

Filed: February 24, 1999

Attorney Dkt. No.: 108172-09005

For: METHOD FOR PHYTOMINING OF NICKEL, COBALT AND
OTHER METALS FROM SOIL

RECEIVED

RESPONSE UNDER 35 U.S.C. 1.111

JAN 15 2003

Commissioner for Patents
Washington, D.C. 20231

January 10, 2003

TECH CENTER 1600/2900

Sir:

This paper is filed in response to the Office Action dated July 10, 2002, in connection with the above-identified application. The period for responding is extended by the attached petition. Applicants respectfully request entry of the following amendments without prejudice.

IN THE CLAIMS:

Please amend claims 13-14 and 16-17 as follows. A marked-up copy of the changes is attached.

13. (Twice Amended) A metal recovery culture, said culture comprising a nickel hyperaccumulating plant of the *Alyssum* genus selected from the group consisting of *A. murale*, *A. pintodasilvae*, *A. malacitanum*, *A. lesbiacum*, *A. fallacinum*, *A. argenteum*, *A. tenium* and *A. heldreichii*, having a concentration of nickel in its above-ground tissues of over 1000 mg per kg gross dry weight of the above-ground tissues, and